

This is the sample case scheduling stipulation for a summary proceeding referenced at Section II(4)(g)(iii)(c) of the Guidelines on Best Practices for Litigating Cases Before the Court of Chancery. It should be modified to fit the circumstances, and used in conformity with the Guidelines.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

_____,)
)
Plaintiff,)
)
v.) C. A. No. ____-____
)
_____,)
)
Defendant.)

STIPULATION AND [PROPOSED] ORDER GOVERNING CASE SCHEDULE

WHEREAS, Plaintiff filed its Verified Complaint on _____, 20__;

WHEREAS, the above-captioned action is a summary proceeding under 8 *Del. C.* § ____;

WHEREAS, the Court has set a trial date in the above-captioned action; and

WHEREAS, the parties have discussed and agreed upon the proposed schedule set forth below;

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

1. The following schedule shall govern proceedings in the above-captioned action:

- (a) Service of answer to Verified Complaint _____, 20__
- (b) Service of written discovery requests on parties On or before _____, 20__
- (c) Service of parties' written discovery objections and responses _____, 20__

- (d) Parties substantially complete document production _____ __, 20__
- (e) Exchange of privilege logs _____ __, 20__
- (f) Parties complete depositions _____ __, 20__
- (g) Filing of simultaneous Pre-Trial Opening Briefs _____ __, 20__, by 5:00 p.m.
- (h) Filing of simultaneous Pre-Trial Answering Briefs _____ __, 20__, by 5:00 p.m.
- (i) Parties' joint submission of Pre-Trial Order _____ __, 20__
- (j) Pre-trial conference _____ __, 20__ at _:00
_.m. via telephone to be initiated by Plaintiff.
- (k) Trial _____ __, 20__ in
_____, Delaware
commencing at _:_ a.m.

2. The parties agree to meet and confer promptly regarding arrangements for any discovery to be taken from the parties' agents and advisors.

3. Production of documents shall commence on a rolling basis upon receipt of requests for production.

4. Prior to production, the parties shall use their best efforts to de-duplicate any electronic material collected (including identical material transmitted between or among multiple custodians). All documents produced shall be produced in electronic form, in accordance with specifications agreed upon by the parties.

5. The parties shall not be required to list on their respective privilege logs

documents evidencing communications only between or among counsel, including outside counsel and in-house counsel for the parties.

6. Depositions shall be taken on reasonable notice, and the parties shall work together in good faith on the scheduling of depositions.

7. The parties may amend the dates set forth above in subparagraphs 1(a)-(g) of this Order by written agreement, without Court approval. All other deadlines, the pre-trial conference date, and the trial date may be amended only by order of the Court.

[COUNSEL]
Attorneys for Plaintiff

[COUNSEL]
Attorneys for Defendant

SO ORDERED this _____ day of _____, 20__.

[Vice] Chancellor